

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE A. DIAZ,)	
)	
Plaintiff,)	Civil Action No. 13-323
)	
v.)	
)	Judge Cathy Bissoon
ERIE CITY POLICE DEPT., <i>et. al.</i> ,)	Magistrate Judge Susan Paradise Baxter
)	
Defendants.)	

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C, 72.D and 72.G of the Local Rules for Magistrates.

On October 30, 2013, the Magistrate Judge issued a Report (Doc. 2) recommending that Plaintiff's Motion for Leave to Proceed in forma pauperis (Doc. 1) be granted and the Complaint be dismissed with prejudice pursuant to the screening provisions of the Prison Litigation Reform Act. Service of the Report and Recommendation was made on Plaintiff, and no objections have been filed.

After a review of the petition and documents in the case, together with the Report and Recommendation, the following Order is entered:

Plaintiff's Motion for Leave to Proceed in forma pauperis (**Doc. 1**) is **GRANTED**, the Complaint is **DISMISSED** with prejudice pursuant to the screening provisions of the Prison Litigation Reform Act, and the Report and Recommendation of Magistrate Judge Baxter dated October 30, 2013, is hereby adopted as the opinion of the District Court.

IT IS SO ORDERED.

November 25, 2013

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First-Class U.S. Mail):

Jose A. Diaz
KD-7350
SCI Mercer
801 Butler Pike
Mercer, PA 16137